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SENATE BILL 73

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO LOBBYIST REGULATION; AMENDING THE LOBBYIST
REGULATION ACT TO REQUIRE LOBBYIST COMPENSATION TO BE REPORTED
IF THE LOBBYIST'S EMPLOYER IS THE STATE OR A POLITICAL
SUBDIVISION OF THE STATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 2-11-3 NMSA 1978 (being Laws 1977,
Chapter 261, Section 3, as amended) is amended to read:

"2-11-3. REGISTRATION STATEMENT TO BE FILED--CONTENTS--
MODIFICATION TO STATEMENT--REPORTING.--

A. In the month of January prior to each regular
session or before any service covered by the Lobbyist
Regulation Act commences, [~~any~~] an individual who is initially
employed or retained as a lobbyist shall register with the
secretary of state by paying an annual filing fee of twenty-

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1 five dollars (\$25.00) for each of the lobbyist's employers and
2 by filing a single registration statement under oath on a
3 prescribed form showing:

4 (1) the lobbyist's full name, permanent
5 business address and business address while lobbying; and

6 (2) the name and address of each of the
7 lobbyist's employers.

8 B. No registration fee shall be required of
9 individuals receiving only reimbursement of personal expenses
10 and no other compensation or salary for lobbying. No
11 expenditure statement required by Section 2-11-6 NMSA 1978
12 shall be required if the lobbyist anticipates making or
13 incurring and makes or incurs no expenditures or political
14 contributions under Section 2-11-6 NMSA 1978. The lobbyist
15 shall indicate in [~~his~~] the lobbyist's registration statement
16 whether those circumstances apply to [~~him~~] the lobbyist.

17 C. For each employer listed in Paragraph (2) of
18 Subsection A of this section, the lobbyist shall file the
19 following information:

20 (1) a full disclosure of the sources of funds
21 used for lobbying;

22 (2) a written statement from each of the
23 lobbyist's employers authorizing [~~him~~] the lobbyist to lobby on
24 the employer's behalf;

25 (3) if the lobbyist's employer is the state or

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1 a political subdivision of the state, a written statement from
2 each of the lobbyist's employers reporting the compensation to
3 be paid the lobbyist for lobbying services;

4 [~~(3)~~] (4) a brief description of the matters
5 in reference to which the service is to be rendered; and

6 [~~(4)~~] (5) the name and address of the person,
7 if other than the lobbyist or [~~his~~] the lobbyist's employer,
8 who will have custody of the accounts, bills, receipts, books,
9 papers and documents required to be kept under the provisions
10 of the Lobbyist Regulation Act.

11 D. For each succeeding year that an individual is
12 employed or retained as a lobbyist by the same employer, and
13 for whom all the information disclosed in the initial
14 registration statement remains substantially the same, the
15 lobbyist shall file a simple annual registration renewal in
16 January and pay the twenty-five-dollar (\$25.00) filing fee for
17 each of the lobbyist's employers together with a short,
18 abbreviated prescribed form for renewal.

19 E. Whenever there is a modification of the facts
20 required to be set forth by this section or there is a
21 termination of the lobbyist's employment as a lobbyist before
22 the end of the calendar year, the lobbyist shall notify the
23 secretary of state within one month of such occurrence and
24 shall furnish full information concerning the modification or
25 termination. If the lobbyist's employment terminates at the

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1 end of a calendar year, no separate termination report need be
2 filed.

3 F. The secretary of state shall provide for
4 electronic access to the information required in this section
5 via the internet in an easily searchable format."

6 Section 2. Section 2-11-6 NMSA 1978 (being Laws 1977,
7 Chapter 261, Section 6, as amended) is amended to read:

8 "2-11-6. EXPENDITURE REPORT TO BE FILED--CONTENTS--
9 REPORTING PERIODS.--

10 A. Each lobbyist or lobbyist's employer who makes
11 or incurs expenditures or political contributions for the
12 benefit of or in opposition to a state legislator or candidate
13 for the state legislature, a state public officer or candidate
14 for state public office, a board or commission member or state
15 employee who is involved in an official action affecting the
16 lobbyist's employer or in support of or in opposition to a
17 ballot issue or pending legislation or official action shall
18 file an expenditure report with the secretary of state on a
19 prescribed form or in an electronic format approved by the
20 secretary of state. The expenditure report shall include a
21 sworn statement that sets forth:

22 (1) the cumulative total of the expenditures
23 made or incurred, separated into categories that identify the
24 total separate amounts spent on:

25 (a) meals and beverages;

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- 1 (b) other entertainment expenditures;
- 2 (c) gifts; and
- 3 (d) other expenditures;

4 (2) each political contribution made,
5 identified by amount, date and name of the candidate or ballot
6 issue supported or opposed; and

7 (3) the names, addresses and occupations of
8 other contributors and the amounts of their separate political
9 contributions if the lobbyist or lobbyist's employer delivers
10 directly or indirectly separate contributions from those
11 contributors in excess of five hundred dollars (\$500) in the
12 aggregate for each election to a candidate, a campaign
13 committee or anyone authorized by a candidate to receive funds
14 on the candidate's behalf.

15 B. If the expenditure report is filed
16 electronically, the report shall be electronically
17 authenticated by the lobbyist or the lobbyist's employer using
18 an electronic signature as prescribed by the secretary of state
19 in conformance with the Electronic Authentication of Documents
20 Act and the Uniform Electronic Transactions Act. For the
21 purposes of the Lobbyist Regulation Act, a report that is
22 electronically authenticated in accordance with the provisions
23 of this subsection shall be deemed to have been subscribed and
24 sworn to by the lobbyist or the lobbyist's employer that is
25 required to file the report.

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1 C. In identifying expenditures pursuant to the
2 provisions of Paragraph (1) of Subsection A of this section,
3 any individual expenditure that is more than the threshold
4 level established in the Internal Revenue Code of 1986, as
5 amended, that must be reported separately to claim a business
6 expense deduction, as published by the secretary of state,
7 shall be identified by amount, date, purpose, type of
8 expenditure and name of the person who received or was
9 benefitted by the expenditure; provided, in the case of special
10 events, including parties, dinners, athletic events,
11 entertainment and other functions, to which all members of the
12 legislature, to which all members of either house or any
13 legislative committee or to which all members of a board or
14 commission are invited, expenses need not be allocated to each
15 individual who attended, but the date, location, name of the
16 body invited and total expenses incurred shall be reported.

17 D. The reports required pursuant to the provisions
18 of the Lobbyist Regulation Act shall be filed:

19 (1) by January 15 for all expenditures and
20 political contributions made or incurred during the preceding
21 year and not previously reported;

22 (2) within forty-eight hours for each separate
23 expenditure made or incurred during a legislative session that
24 was for five hundred dollars (\$500) or more; and

25 (3) by May 1 for all expenditures and

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1 political contributions made or incurred through April 25 of
2 the current year and not previously reported.

3 E. A lobbyist's personal living expenses and the
4 expenses incidental to establishing and maintaining an office
5 in connection with lobbying activities or compensation paid to
6 a lobbyist by a lobbyist's employer need not be reported in the
7 expenditure reports filed in accordance with the provisions of
8 this section.

9 F. A lobbyist or lobbyist's employer shall obtain
10 and preserve all records, accounts, bills, receipts, books,
11 papers and documents necessary to substantiate the financial
12 statements required to be made under the Lobbyist Regulation
13 Act for a period of two years from the date of filing of the
14 report containing such items. When the lobbyist is required
15 under the terms of the lobbyist's employment to turn over any
16 such records to the lobbyist's employer, responsibility for the
17 preservation of them as required by this section and the filing
18 of reports required by this section shall rest with the
19 employer. Such records shall be made available to the
20 secretary of state or attorney general upon written request.

21 G. [~~Any~~] A lobbyist's employer who also engages in
22 lobbying shall comply with the provisions of the Lobbyist
23 Regulation Act.

24 H. An organization of two or more persons,
25 including an individual who [~~holds himself out~~] makes any

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1 representation as being an organization, that within one
2 calendar year expends funds in excess of two thousand five
3 hundred dollars (\$2,500) not otherwise reported under the
4 Lobbyist Regulation Act to conduct an advertising campaign for
5 the purpose of lobbying shall register with the secretary of
6 state within forty-eight hours after expending two thousand
7 five hundred dollars (\$2,500). Such registration shall
8 indicate the name of the organization and the names, addresses
9 and occupations of any of its principals, organizers or
10 officers and shall include the name of any lobbyist or
11 lobbyist's employer who is a member of the organization.
12 Within fifteen days after a legislative session, the
13 organization shall report the contributions, pledges to
14 contribute, expenditures and commitments to expend for the
15 advertising campaign for the purpose of lobbying, including the
16 names, addresses and occupations of the contributors, to the
17 secretary of state on a prescribed form."

18 Section 3. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2008.

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